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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. IV OF 1905.

(PASSED ON THE 10TH DAY OF AUGUST 1905.)

A Regulation further to amend the Mysore Military Regulation, 1899.

Whereas it is expedient further to amend the Mysore Military Regulation, II of 1899, as amended by Regulation V of 1900, IV of 1901 and one of 1905; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

Addition of paragraphs 53A to 53C to the rules for the punishment of crime.

1. After paragraph 53 of the rules for the punishment of crime in the Mysore Imperial Service Cavalry and Transport, the following paragraph shall be inserted, namely :—

Summoning witnesses and production of documents.

"53A (1) The President of a Court-Martial may, by summons under his hand, require the attendance before the Court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

"(2) In the case of a witness amenable to Military authority, the summons shall be sent to his superior officer and such officer shall serve it upon him accordingly.

"(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be or reside, and such Magistrate shall give effect to the summons as if the witness were required in the Court of such Magistrate.

"(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with convenient certainty.

"(5) Nothing in this paragraph shall be deemed to affect the Indian Evidence Act, 1872, Sections 123 and 124, or to apply to any letter, post card, telegram or other document in the custody of the Postal or Telegraph authorities.

"(6) If any document in such custody is, in the opinion of any District Magistrate, the Chief Court, or any Court of Session, wanted for the purpose of any Court-Martial, such Magistrate or Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

"(7) If any such document is, in the opinion of any other Magistrate or of any District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document pending the orders of any such District Magistrate or Court.

"53 B. (1) Any witness duly summoned, and any person who commits any contempt of Court in the presence of a Court-Martial, or any offence described in clauses (27), (38) and (39) of paragraph 2, shall, if subject to these rules, be proceeded against as the Court may direct.

Contempts of Court.

"(2) If any such witness or person is not so subject, the President of the Court-Martial may certify the offence under his hand to the Court of any Magistrate within the local limits of whose jurisdiction it was committed, and the Magistrate may thereupon take cognizance of the case, and, after hearing anything which the accused may desire to say, dispose of it as if the offence had been committed in a proceeding in a Court of such Magistrate.

"53 C. (1) No President or member of a Court-Martial, no party to any proceeding before a Court-Martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a Court-Martial, shall, while proceeding to, attending on or returning from, a Court-Martial, be liable to arrest under civil or revenue process.

Privileges of persons attending Courts-Martial.

"(2) If any such person is arrested under any such process, he may be discharged by order of the Court-Martial."

P. N. KRISHNA MURTI,
Dewan of Mysore.